



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/712,687

11/12/2003

Akihiro Miwa

393032041800

9078

25224

7590

07/12/2006

MORRISON & FOERSTER, LLP  
555 WEST FIFTH STREET  
SUITE 3500  
LOS ANGELES, CA 90013-1024

EXAMINER

QIN, JIANCHUN

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/712,687

Applicant(s)

MIWA, AKIHIRO

Examiner

Jianchun Qin

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/21/2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi et al. (U.S. Pat. No. 5434626, hereafter referred to as Hayashi-I) in view of Hayashi et al. (U.S. Pat. No. 5237417, hereafter referred to as Hayashi-II).

With respect to claims 1, 7 and 8:

Hayashi-I teaches a cursor movement controlling apparatus, method and computer program for controlling a cursor movement for an electronic musical apparatus, comprising: a display that displays a plurality of choices for controlling

Art Unit: 2837

parameters of the electronic music apparatus, each choice categorized into one of a plurality of groups, and a cursor for selecting a choice from the plurality of displayed choices (Figs. 5 and 6a-6c; col. 9, lines 23-68); an instructor that instructs a movement of the displayed cursor from a current choice at which the cursor is currently displayed to another choice (col. 9, lines 42-47); a movement storage device that stores choice information for each of the plurality of groups, the choice information indicating at which choice in a group the cursor should be displayed when the cursor is moved to the group from one of the choices in another group (col. 9, lines 12-22; col. 10, lines 1-7); and a cursor moving device that moves, when the movement of the cursor from a current choice in a first group to another choice in the same group is instructed, the cursor to the another choice and stores the movement of the cursor as choice information of said first group in the movement storage device, and that moves, when the movement of the cursor from a current choice in said first group to a choice in a second group is instructed, the cursor to the choice in said second group indicated by choice information of said second group (col. 9, lines 1-39).

Hayashi-I does not mention expressly: said plurality of groups displayed simultaneously on one screen, said plurality of choices displayed for each of the plurality of groups, said cursor capable of moving in an up/down direction and in a right/left direction wherein one direction is for moving among the plurality of groups and the other direction is for moving among the plurality of choices in the same group.

Hayashi-II teaches an apparatus for displaying electronic music apparatus operational parameters, including: a display that displays a plurality of choices for

Art Unit: 2837

controlling parameters of the electronic music apparatus, each choice categorized into one of a plurality of groups, and a cursor for selecting a choice from the plurality of displayed choices, said plurality of groups displayed simultaneously on one screen, said plurality of choices displayed for each of the plurality of groups, said cursor capable of moving in an up/down direction and in a right/left direction wherein one direction is for moving among the plurality of groups and the other direction is for moving among the plurality of choices in the same group (Figs. 2 and 4; col. 3, lines 64-68; col. 4, lines 20-59).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teaching of Hayashi-II in the invention of Hayashi-I in order to display a user-friendly on-screen menu system through which various control parameters can be easily selected by the user (Hayashi-II, col. 2, lines 13-26).

With respect to claims 3-6:

The teaching of Hayashi-I further includes: the movement storage device stores information concerning a position of the cursor within the first group as choice information (col. 9, lines 12-22; col. 10, lines 1-7); the movement storage device stores choice information commonly for the plurality of groups (col. 9, lines 12-22; col. 10, lines 1-7); the movement storage device stores choice information individually for each of the plurality of groups (col. 9, lines 12-22; col. 10, lines 1-7); and the cursor moving device moves the cursor in accordance with the instruction of the instructor when the movement of the cursor within the first group is instructed (col. 9, lines 42-47).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi-I in view of Hayashi-II, as applied to claim 1 above, and further in view of Robertson et al. (U.S. Pat. No. 5598183).

Hayashi-I in view of Hayashi-II teach the subject matter discussed above.

Hayashi-I in view of Hayashi-II do not mention explicitly: the movement storage device stores information concerning a direction and a distance of the movement of the cursor within the group as the content of the movement.

Robertson et al. teaches the movement storage device stores information concerning a direction and a distance of the movement of the cursor within the group as the content of the movement (col. 3, lines 51-67; col. 4, lines 1-14 and lines 42-67 and col. 5, lines 1-7).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teaching of Robertson et al. in the combination of Hayashi-I and Hayashi-II in order to provide a mechanism for tracking the movement of the cursor so that when it is needed the cursor can be moved back to the original position easily (Robertson et al., Abstract).

#### ***Prior Art Citations***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Bates et al. (U. S. Pub. No. 2003/0067442 A1) is entitled "Method and system for selectively controlling graphical pointer movement based upon web page content".

2) Kunimoto (U. S. Pat. No. 5739454) is entitled "Method and device for setting or selecting a tonal characteristic using segments of excitation mechanisms and structures".

3) Koyama et al. (U. S. Pat. No. 5646362) is entitled "Sound parameter editing device for an electronic musical instrument".

4) Hotta (U.S. Pat. No. 5225617) is entitled "Selection device for tone control in an electronic music instrument"

### ***Response to Arguments***

6. Applicant's arguments received 06/21/06 with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-8 are rejected as new prior art reference (U.S. Pat. No. 5237417 to Hayashi et al.) has been found to teach the limitations recited in the amended claims. Detailed response is given in section 4 as set forth above in this Office Action.

### ***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jianchun Qin whose telephone number is (571) 272-5981. The examiner can normally be reached on 8am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571) 272-1988. The fax phone

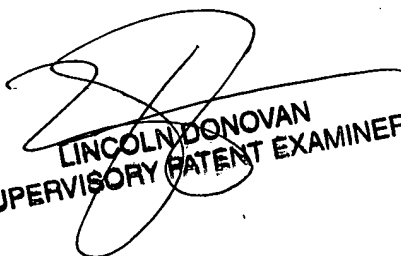
Art Unit: 2837

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jianchun Qin  
Examiner  
Art Unit 2837

JQ 

  
LINCOLN DONOVAN  
SUPERVISORY PATENT EXAMINER